

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.5066/2017gr

**915 CIVIL APPLICATION NO. 5066 OF 2017
IN FAST/20219/2016 WITH CA/10410/2016 IN
FAST/20219/2016**

SONIYA PRAVIN BAGRECHA (JAIN) AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. BRANCH OFFICE AT DHULE
AND ORS

...
Advocate for Applicants :Mr. Sachin V.Kuptekar h/f Mr. Salunke V.D.
Mr.A. B. Kadethankar, Adv., for respondent no.1.

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CORAM : P.R. BORA, J.
Dated: June 09, 2017

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PER COURT :-

1. The applicants are seeking withdrawal of whole of the amount deposited by the appellant Insurance company. Learned counsel for the Insurance Company has opposed for permitting withdrawal of the entire amount. Learned Counsel submits that valid grounds of objection are raised in exception to the impugned judgment and, in such circumstances, the applicant cannot be permitted to withdraw the entire amount.

2) Having regard to the grounds of objections raised in exception to the impugned Award and the averments in the application for withdrawal of the amount, I deem it appropriate to pass the following order,

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.5066/2017gr

ORDER

- i) The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking that in the event any adverse order is passed against them, they will re-deposit the said amount within four months of passing such order;
- ii) Balance 50% amount be invested in Fixed Deposit Receipt of any Nationalized Bank, initially for a period of two years and if so required for further period till disposal of the appeal;
- iii) Civil Application for withdrawal of amount stands disposed of in above terms.
- iv) Learned Counsel to take steps in application for condonation of delay. S.O. to 7.7.2017.

(P.R. BORA, J.)

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